

1 MARK R. THIERMAN, (State Bar No. 72913)
LEON GREENBERG, (State Bar No. 226253)
2 **THIERMAN LAW FIRM**
7287 Lakeside Drive, Suite 101
3 Reno, NV 89511
Telephone: (775) 284-1500
4 Facsimile: (775) 703-5027

5 H. TIM HOFFMAN, (State Bar No. 49141)
ARTHUR W. LAZEAR, (State Bar No. 83603)
MORGAN M. MACK, (State Bar No. 212659)
6 ROSS L. LIBENSON, (State Bar No. 181912)
HOFFMAN & LAZEAR
180 Grand Avenue, Suite 1550
7 Oakland, CA 94612
Telephone: (510) 763-5700
8 Facsimile: (510) 835-1311

9 MAX FOLKENFLIK
FOLKENFLIK & MCGERITY
10 1500 Broadway, 21st Floor
New York, NY 10036
11 Telephone: (212)757-0400
Facsimile: (212)757-2010
12

13 *Attorneys for Plaintiffs*

14 CATHERINE A. CONWAY (SBN 98366)
GREGORY W. KNOPP (SBN237615)
STEPHANIE S. DER (SBN240576)
15 **AKIN GUMP STRAUSS HAUER & FELD LLP**
2029 Century Park East, Suite 2400
16 Los Angeles, CA 90067-3012
Telephone: 310-229-1000
17 Facsimile: 310-229-1001

18 *Attorneys for Defendant*

19
20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 DAVID HO, on behalf of himself and all
23 others similarly situated and on behalf of the
general public and DOES #1-20

24 Plaintiff,

25 v.

26 ERNST & YOUNG, LLP

27 Defendants.

Case No. C 05 04867 (JF)

**STIPULATION AND [PROPOSED]
ORDER STAYING CLASS
CERTIFICATION DISCOVERY AND
MOTION FOR CERTIFICATION OF
CLASS ACTION**

Hon. Jeremy Fogel

28 Stipulation and [Proposed] Order Staying Class Certification Discovery And
Motion for Certification of Class Action,
Case No. C 05 04867 (JF)

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3 WHEREAS the Court has set June 6, 2008, as the date for a hearing on Plaintiffs'
4 proposed Motion For Class Certification in the above-captioned action, and has set April 28,
5 2007, as the date for the cut-off of class certification discovery and filing of the Motion For Class
6 Certification; and

7 WHEREAS class certification discovery includes numerous depositions of Defendant
8 under Rule 30(b)(6) of the Federal Rules of Civil Procedure that have required the scheduling of
9 various officials and employees of Defendant; and

10 WHEREAS Defendant had recently identified and agreed to produce at least an additional
11 witness under Rule 30(b)(6), but Defendant counsel was unavailable to defend that deposition
12 during the pendency of another trial; and

13 WHEREAS on or about March 4, 2008, the Court entered an order of summary judgment
14 in favor of Defendant against named Plaintiff Ho;

15 WHEREAS on March 5, 2008, the Court directed Defendant to file dispositive motions
16 to the remaining named Plaintiffs, which Motion For Summary Judgment As To Plaintiff Sarah
17 Fernandez was filed on or about March 20, 2008, and is presently set for a hearing on May 16,
18 2008; and

19 WHEREAS, the parties believe a stay of class certification discovery and filing of a
20 Motion For Class Certification is in their mutual interest because the Court's decision on
21 Defendant's pending Motion for Summary Judgment As To Plaintiff Sarah Fernandez could
22 dispose of the case and thus obviate the need for further class certification discovery or
23 proceedings.

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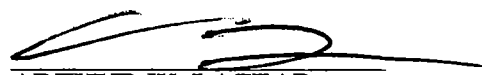
27
28 Stipulation and [Proposed] Order Staying Class Certification Discovery And
Motion for Certification of Class Action,
Case No. C 05-04867 (JF)

1 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
2 undersigned counsel that:

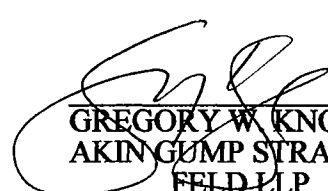
- 3 1. The hearing on Plaintiffs' proposed Motion For Class Certification of the above-
4 captioned action as a class action shall be vacated; and
5 2. The date for conclusion of class-certification discovery, and the filing of the
6 Motion For Class Certification shall be stayed until resolution of the Defendant's
7 present Motion For Summary Judgment As To Plaintiff Sarah Fernandez.

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9 Respectfully submitted,

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13 Dated: March 27, 2008


ARTHUR W. LAZEAR
Attorney for Plaintiffs

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17 Dated: March 27, 2008


GREGORY W. KNOPP
AKIN GUMP STRAUSS HAUER &
FELD LLP
Attorney for Defendant

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22 **ORDER**

23 IT IS SO ORDERED.

24
25 Dated: _____, 2008

United States District Judge

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27
28 Stipulation and [Proposed] Order Staying Class Certification Discovery And
Motion for Certification of Class Action,
Case No. C 05 04867 (JF)

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2029 Century Park East, Suite 2400, Los Angeles, California 90067.

On March 28, 2008, I served the foregoing document(s) described as:

**STIPULATION AND [PROPOSED] ORDER STAYING CLASS CERTIFICATION
DISCOVERY AND MOTION FOR CERTIFICATION OF CLASS ACTION**

on the interested party(ies) below, using the following means:

**All parties identified for Notice of Electronic Filing generated
by the Court's CM/ECF system under the referenced case
caption and number**

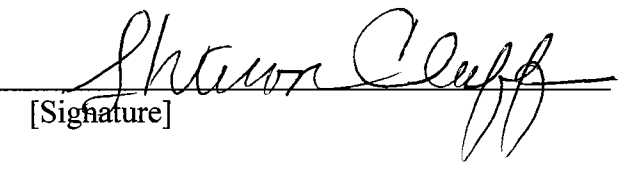
☒ BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 28, 2008 at Los Angeles, California.

Sharon Cluff

[Print Name of Person Executing Proof]


[Signature]